

Privacy & Confidentiality Policy

PURPOSE

This privacy policy explains how FLN collects, uses, discloses and otherwise handles personal information. The purpose of this document is to provide a framework for FLN in dealing with privacy and confidentiality considerations which is consistent with the Australian Privacy Principles (APP – see Appendix 1).

FLN strives to:

- Promote respect for privacy and confidentiality of personal information as part of creating an environment at FLN where people feel their personal information is safe and their rights protected.
- Maintain the trust and assured expectations that the content of any specific and/or identifying information about a person will remain entrusted between the person and workers at FLN.
- Ensure that all employees, volunteers and clients at FLN understand that privacy and confidentiality of personal information must be respected as part of people’s rights and for the protection of FLN’s reputation and its programs and activities.
- Deal with personal information in an open and transparent way.

Record of policy development

Version	Date approved	
V1. 3/10/19		

Responsibilities and delegations

This policy applies to	Staff, volunteers, Board members, consultants or students and contractors
Specific responsibilities	<p>Board: a Board member’s obligation to protect the privacy and confidentiality of information continues after the individual is no longer serving on the Board.</p> <p>CEO: responsible for the implementation of this policy, for monitoring changes in privacy legislation, and for advising on the need to review or revise this policy as and when the need arises. The CEO is also responsible for ensuring all staff and volunteers are informed of the policy.</p> <p>Staff and volunteers: responsible for being aware of FLN’s Privacy & Confidentiality Policy and observing the privacy and confidentiality procedures in their workplace. A clean desk policy is encouraged to ensure that personal information or details are not left where privacy</p>

	can be breached. Enrolment staff are also responsible for ensuring the relevant information is passed onto potential students in an easily digestible form.
Policy approval	Board

Policy context – this policy relates to:	
Legislation	<ul style="list-style-type: none"> • Privacy Act 1988 (Commonwealth) • Privacy Amendment (Private Sector) Act 2000 (Commonwealth) • Privacy and Data Protection Act 2014 (Victoria) • Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Commonwealth) • Privacy Amendment (Notifiable Data Breaches) Act 2017 (Commonwealth).
Related policies	<ul style="list-style-type: none"> • Record and Data Management • HR Staff • Student privacy policy
Forms, record keeping, other documents	<ul style="list-style-type: none"> • FLN Confidentiality Agreement • Staff Handbook

Definitions

Personal information means any information or an opinion about an identified individual or that is reasonably identifiable. For the purposes of this document personal information will include personal information such as name, contact details and photos, but also sensitive information (e.g. race/ ethnicity, political or religious beliefs, sexuality or criminal records) and health information (e.g. mental issues, disability, bodily donations or genetics).

Privacy & Confidentiality Policy

FLN collects and administers a range of personal information related to the activity, service or management of the organisation. FLN is committed to protecting the privacy of personal information it collects, holds and administers.

FLN recognises the essential right of individuals to have their information administered in ways which they would reasonably expect:

- protected; but also
- made accessible to them, as required.

These privacy values are reflected in and supported by FLN's:

- core values and philosophies
- Privacy Policy.

FLN is bound by laws which impose specific obligations when it comes to handling

information. The organisation has adopted the following principles contained as minimum standards in relation to the handling personal information. FLN will:

- Collect only information which FLN requires for its primary function.
- Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent.
- Store personal information securely, protecting it from unauthorised access.
- Provide stakeholders with access to their own information, and the right to seek its correction
- Notify relevant individuals should their data be unlawfully accessed.

FLN will also ensure individuals are aware of their rights and how their information is managed within FLN and their rights.

Some of the information collected by FLN is restricted in its circulation for commercial, privacy, or ethical reasons. FLN will place the minimum of restrictions on the information it holds but will ensure that any restrictions considered necessary are observed by its staff and volunteers.

Information about staff, volunteers, clients and other FLN users shall remain confidential except where it involves:

- Serious illegal actions on the part of a person involved with FLN.
- Any issue which could endanger the safety of other people.
- Any issue which could endanger the person and/or dependent children.
- An obligation by an employee to make a notification to the Department of Health Human Services or other relevant government bodies as legally required.

Privacy & Confidentiality Procedures

Collection of information

FLN will:

- Collect only information that is necessary for the performance and primary function of FLN.
- Collect personal information from the person themselves wherever possible.
- If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
- Collect sensitive information only with the person's consent. (Sensitive information includes health information and information about religious beliefs, race, gender and others).
- Manage unsolicited information received in accordance with the Privacy and Confidentiality policy and destroy any information not required or illegally received.

Data Quality

FLN will:

- Take reasonable steps to ensure the information FLN collects is accurate, complete, up to date, and relevant to the functions we perform.

- Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.
- If a person is able to establish that the personal information obtained from other sources is not accurate, then FLN will take steps to correct it. FLN may allow a person to attach a statement to their information if FLN disagrees it is inaccurate.

Communication

FLN will:

- Ensure staff, volunteers and clients are aware of this policy and its purposes; and
- Make this information freely available in relevant publications and on FLN's website.

FLN will clearly communicate:

- what information is collected
- why it is collected
- how this information is managed.

FLN will also clearly communicate an individual's rights with regards to their personal information, including:

- the right to access one's own information
- the need for written consent of staff, volunteers and clients to share personal information

Should any individual's record be unlawfully accessed, FLN must notify the individuals concerned immediately.

In cases where any of any of the previously listed confidentiality exceptions apply, the person concerned must be informed directly that any information they give (e.g., on violent crimes or child abuse) may need to be reported to the relevant authority in accordance with Victorian or Federal laws.

Use and Disclosure

FLN will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- For all other uses, FLN will obtain consent from the affected person.
- In relation to a secondary purpose, use or disclose the personal information only where:
 - a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or
 - the person has consented; or
 - certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- Provide all individuals access to their information except where it is a threat to life or health or it is authorized by law to refuse. Where for a legal or other reason FLN is not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.

- Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.

Within FLN, conversations with clients or between workers about clients should not be conducted in places or situations where they can be overheard. Discussion between workers concerning clients is acceptable where the workers need to share information in order to provide a service. Interviews where personal information is to be discussed will take place in a private space.

Making information available to other organisations

FLN can release information to a third party under the following conditions:

- If employees wish to have information provided to external parties (for insurance, financial loans or other purposes), written authorisation (with details of information able to be disclosed and the organisation/person to which the information can be provided) should be given to the CEO.
- Where an agency or government department makes an approach for information about a client of FLN, the agency or department should be advised to make the request by email. No information is to be provided about clients to any outside organisations without the client's express permission. If necessary, this permission should be obtained in writing. Information will be provided to a Job Search provider only if the provider has paid the relevant student fees for the client in question, and only as relevant to the individual in question's training. The payment of a student's fees is seen as a payment of training, and any such information related to that training, but does not give the JSA full access to all personal information of the student in question.
- If an act of violence is committed on FLN premises, employees should contact the police. If there is any question of proceedings being taken against the offender, the police may take the names and addresses of those present. However, it must be made clear that these are disclosed solely because an offence has been committed. FLN confidentiality policy must be explained to the police, who should be asked not to take the names of those not directly involved.

Restriction

FLN will place restrictions on the information it holds when the information:

- is commercial in confidence
- is bound by an agreement containing a confidentiality obligation
- concerns the privacy of its staff, volunteers, clients or customers
- requires protection to safeguard the intellectual property of FLN.

Staff and volunteers dealing with restricted material will be instructed in the recognition of material falling under these headings.

Any information on which restrictions have been placed shall be as far as possible clearly identified on the document or file. Where categories of information, rather than individual documents, are restricted this restriction will be conveyed to staff and volunteers dealing with this information.

Protection

Staff of FLN, and volunteers dealing with restricted information, shall be required to sign a confidentiality agreement (see Appendix 2)

Training

All staff will be required to read the policy and understand its application

FLN will:

- Implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorised access, interference, unauthorized modification or disclosure.
- All personal and confidential information about staff, volunteers and clients will be stored in a locked filing cabinet or secured electronically.
- Before FLN discloses any personal information to an overseas recipient including a provider of IT services such as servers or cloud services, establish that they are privacy compliant. FLN will have systems which provide sufficient security.
- Ensure that FLN's data is up to date, accurate and complete.
- Establish the period each type of information collected should be retained in either hard or soft copy. The Records and Data Management Policy specifies criteria for retention of different types of information.

Destruction and de-identification

FLN will:

- De-identify and destroy documents in accordance with FLN's Records and Data Management Policy.
- De-identify and destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones.
- Change information to a pseudonym or treat it anonymously if required by the person whose information FLN holds and will not use any government related identifiers unless they are reasonably necessary for our functions.



